



U.S. Department of Justice

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July 22, 2013

**The Honorable Stewart Dalzell
United States District Judge
15613 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1756**

**Re: United States v. Edward M. Mezvinsky
Criminal No. 01-156**

Dear Judge Dalzell:

I enclose for the Court's convenience a courtesy copy of the Government's Motion to Amend Restitution Judgment in the above case. A copy of the motion has been served upon counsel for the defendant, and the original of the pleading has been filed electronically with the Clerk of Court.

Respectfully yours,

**ZANE DAVID MEMEGER
United States Attorney**

**/s Robert A. Zauzmer
ROBERT A. ZAUZMER
Assistant United States Attorney**

cc: Stephen Robert LaCheen, Esquire

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : :

v. : CRIMINAL NO. 01-156

EDWARD M. MEZVINSKY : :

ORDER

AND NOW, this day of _____, 2013, upon
consideration of the government's motion pursuant to 18
U.S.C. § 3664(j)(1):

1. The Court recognizes that the Pennsylvania
Lawyers Fund for Client Security (the "Fund") paid \$150,000
to Morton and Ronne Tener, and paid \$75,000 to Dr. Jason
Theodosakis, as compensation for losses incurred by these
victims as a result of defendant Edward M. Mezvinsky's
criminal conduct.

2. The Court's order dated October 31, 2011
(docket entry 152), addressing these payments, is rescinded,
and replaced by this order.

3. It is ORDERED that the criminal judgment
entered in this case on January 13, 2003, is amended to

provide that the total amount owed to Morton and Ronne Tener is \$568,000 (reduced from \$718,000 as a result of the \$150,000 payment the Teners received from the Fund) .

4. It is ORDERED that the criminal judgment entered in this case on January 13, 2003, is amended to provide that the total amount owed to Dr. Jason Theodosakis is \$558,278.81 (reduced from \$633,278.81 as a result of the \$75,000 payment Dr. Theodosakis received from the Fund) .

5. It is ORDERED that the criminal judgment entered in this case on January 13, 2003, is amended to add the Pennsylvania Lawyers Fund for Client Security as a substitute victim, owed a total of \$225,000. It is further ORDERED that the Fund shall not be paid any restitution until after all other restitution victims listed on the criminal judgment, including the Teners and Dr. Theodosakis, have received payment in full.

6. The restitution judgment entered on
January 13, 2003, with respect to all other victims listed
there, shall remain unchanged.

BY THE COURT:

The Honorable Stewart Dalzell
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
v. : CRIMINAL NO. 01-156
EDWARD M. MEZVINSKY :

GOVERNMENT'S MOTION TO AMEND RESTITUTION JUDGMENT

On October 31, 2011, the Court granted a motion by the government and entered an order addressing payments made by the Pennsylvania Lawyers Fund for Client Security, and amending the restitution order in this case. The Clerk of this Court has not executed the order in the manner intended by the government. The undersigned, who drafted the order approved by the Court, takes responsibility for this confusion, and, with apologies to the Court for this inconvenience, presents this request for clarification.

Defendant Edward M. Mezvinsky was convicted of multiple counts of fraud and other offenses. On January 13, 2003, this Court sentenced the defendant and, among other things, ordered him to pay \$9,399,354.47 in restitution to

numerous victims. The names of these victims are listed on the criminal judgment entered in this case.

In the original judgment, the victims included:

Morton and Ronne Tener	\$718,000.00
Dr. Jason Theodosakis	\$633,278.81

In 2011, these people received payments from the Pennsylvania Lawyers Fund for Client Security (the "Fund"). The Teners received a total of \$150,000, and Theodosakis received \$75,000.

Therefore, the current judgment should reflect, with regard to the Teners and Dr. Theodosakis:

Morton and Ronne Tener	\$568,000.00
Dr. Jason Theodosakis	\$558,278.81

In other words, the amount owed to the Teners is reduced by \$150,000, and the amount owed to Dr. Theodosakis is reduced by \$75,000.

In addition, the Pennsylvania Lawyers Fund for Client Security should be added as a substitute victim, in the amount of \$225,000, with the proviso that it should not receive any payment until all other victims have been paid in full. See 18 U.S.C. § 3664(j)(1) ("If a victim has received compensation from insurance or any other source

with respect to a loss, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.").

On October 31, 2011, the Court entered an order requested by the government, to which defense counsel had consented. However, because of poor draftsmanship by the government, the Clerk interpreted the order to reduce the amount owed to the Teners and to Theodosakis to zero (or rather, to \$498.05 for the Teners, and to \$439.40 for Theodosakis, which is the amounts disbursed to them prior to the Court's order); and stated the amount owed to the Pennsylvania Lawyers Fund as \$75,000, not \$225,000. These mistakes also had the effect of inappropriately reducing the total in the Clerk's records that is owed by Mezvinsky in restitution from \$9,399,354.47, as ordered by the Court, to \$8,124,013.11.

The government respectfully requests that the Court enter the attached order, to clarify matters.

Respectfully yours,

ZANE DAVID MEMEGER
United States Attorney

/s Robert A. Zauzmer
ROBERT A. ZAUZMER
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that this pleading has been served on the Filing User identified below through the Electronic Case Filing (ECF) system:

Stephen Robert LaCheen, Esq.
1429 Walnut St., 13th Floor
Philadelphia, PA 19102

/s Robert A. Zauzmer
ROBERT A. ZAUZMER
Assistant United States Attorney

DATED: July 22, 2013.